

REMARKS

1. Examiner objected to claim 3 due to an inconsistency in the preamble.
2. Claim 3 has been amended herein to be consistent with the base claim.
3. Examiner rejected claims 1-4, 6, 8, 9 and 23-26 under 35 USC 102(b) as being anticipated by Shmulewitz (US 5,961,548).
4. Applicant respectfully submits that Examiner's rejection is based on an erroneous interpretation of the Shmulewitz reference. The nose cone 49 described by Shmulewitz is not *on* the guidewire 60 as asserted by the Examiner; it is not a part of the guidewire 60 at all. The nose cone 49 is clearly shown and described as being part of a delivery catheter 45; which is separate from the guidewire 60. (See FIG 6.) Furthermore, applicant has amended base claims 1 and 10 to further clarify that the piercing element claim is *attached to* the guidewire. Applicant therefore submits that all of the pending claims distinguish over Shmulewitz under 35 USC 102(b). Allowance of these claims is respectfully requested.
5. Examiner rejected claims 5 and 7 under 35 USC 103(a) as being unpatentable over Shmulewitz (US 5,961,548) in view of Wisselink (US 5,984,955).
6. As discussed above with respect to claim 1, Shmulewitz does not disclose "a piercing element attached to the guidewire at a location intermediate the proximal end and the distal end."

Wisselink discloses a graft system with balloon-anchorable guidewire system. Again, no piercing element is attached to the guidewire at a location intermediate the proximal end and the distal end as in Applicant's claimed configuration.

Therefore, Applicant submits that claims, 5 and 7 are patentable over Shmulewitz in light of Wisselink. Allowance of claims 5 and 7 is respectfully requested.

7. Examiner rejected claims 10-16, 18, 21, 22 and 27-30 under 35 USC 103(a) as being unpatentable over Dereume et al. (US 5,723,004) in view of Shmulewitz (US 5,961,548).
8. As discussed above, Shmulewitz does not disclose “a piercing element attached to the guidewire at a location intermediate the proximal end and the distal end.”

Dereume et al. discloses a graft system that uses two standard guidewires with no piercing elements attached to the guidewires.

Since neither of the cited references disclose or suggest this feature no possible combination of the references could result in applicant's claimed invention. Applicant submits that claims 10-16, 18, 21, 22 and 27-30 are patentable over Dereume et al. in view of Shmulewitz. Allowance of claims 10-16, 18, 21, 22 and 27-30 is respectfully requested.

9. Examiner rejected claims 17 and 19 under 35 USC 103(a) as being unpatentable over Dereume et al. (US 5,723,004) in view of Shmulewitz (US 5,961,548) in further view of Wisselink (US 5,984,955).
10. As discussed above with respect to the prior claims, none of the cited references (Dereume et al, Shmulewitz and Wisselink) discloses or suggests “a piercing element attached to the guidewire at a location intermediate the proximal end and the distal end.”

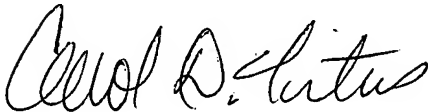
Since none of the cited references disclose or suggest this feature no possible combination of the references could result in applicant's claimed invention. Applicant submits that claims 17 and 19 are patentable over Dereume et al. in view of Shmulewitz and Wisselink. Allowance of claims 17 and 19 is respectfully requested.

CONCLUSION

For all the reasons above, Applicant submits that the claims all define novel subject matter that is nonobvious. Therefore, allowance of these claims is submitted to be proper and is respectfully requested.

Applicant invites the Examiner to contact Applicant's representative as listed below for a telephonic interview if so doing would expedite the prosecution of the application.

Very respectfully submitted,

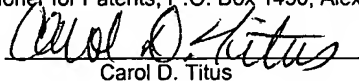


Carol D. Titus
GSS Law Group
3900 Newpark Mall Rd
Third Floor, Suite 317
Newark, CA 94560

Reg. No. 38,436
Phone (510) 742-7417
Fax (510) 742-7419

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature 
Carol D. Titus

Date: September 20, 2006